

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 10575 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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M.I. KADRI - Petitioner(s)
Versus
STATE OF GUJARAT THRO' SECRETARY & 1 - Respondent(s)

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Appearance :

MR MAYUR S BAROT for Petitioner(s) : 1,
MS REETA CHANDDARANA, AGP for Respondent(s) : 1,
MS SEJAL K MANDAVIA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 08/03/2006

ORAL JUDGMENT

1.Learned advocate for the petitioner submitted that the penalty imposed on the petitioner is harsh and excessive. He submitted that the petitioner was only

a Store Keeper and for certain alleged irregularities in purchase of material, the petitioner has been compulsorily retired by the Disciplinary Authority by the impugned order. He submitted that the petitioner was not authorized to make such purchases and in any case the higher authorities who were directly responsible for such purchases have been visited with minor penalties. He, therefore, tried to make a out a case of discrimination and urged that the penalty imposed on the petitioner is harsh and excessive.

2.From the available material on record, it is not possible to compare with the role played by the petitioner in the alleged irregularities vis-a-vis the role played by other officers. The question of parity in quantum of punishment therefore cannot be examined for want of full material particulars. Learned advocate for the petitioner, therefore, submitted that the petitioner would approach the authorities and urge the said questions before the respondents.

3.It will be open for the petitioner to make a representation to the Disciplinary Authority seeking reduction of punishment. If such representation is made within a period of two weeks from today, the Disciplinary Authority shall consider the same in

accordance with law unmindful of the earlier order passed against the petitioner and the order passed by the Appellate Authority upholding the said order. I am sure, if the petitioner makes out a case for reduction in penalty, the same will be considered on the basis of the available material on record. Such representation shall be disposed of preferably within a period of three months from the receipt thereof. If the ultimate decision that may be rendered by the Disciplinary Authority is adverse to the petitioner, it will be open to the petitioner to challenge the same in accordance with law.

4. With the above observations and directions, the petition is disposed of. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)